JUL 03 1984 0302
422609 PMI UI
952605 FTRU CH

Copies to JIC
3797
NES
WEB

RECEIVED
PHILIP MORRIS, INC.
LAW DEPT.-PATENT SECTION
JUL 6 1984
NOTED

TELEX TO MESSRS. G.C. ADKINS, PM LEGAL, NEW YORK
B.B. BROOKS, PM EEC LEGAL, LAUSANNE
O.A. BACHKE JR, NORWAY
F.H. DULLES, PM EEMA LEGAL, LAUSANNE
J.P. VAN CUTSEM, BELGIUM
CH. REIMS, FINLAND
F.O.W. VOGELAAR, HOLLAND

FROM: H.W. GAISCH 3RD JULY, 1984

SUBJECT: BARCLAY, SWITZERLAND

THE THIRD SECTION OF THE COURT OF JUSTICE OF THE REPUBLIC AND CANTON OF GENEVA RULED IN CHAMBERS ON 29TH JUNE, 1984, THAT THE TEMPORARY INJUNCTION AGAINST THE 1MG DECLARATION OF BARCLAY BE GRANTED.

WITHOUT GOING INTO MUCH DETAIL AT THIS STAGE, SOME PASSAGES - TRANSLATED FROM FRENCH - ARE WORTH QUOTING:

'.. INDEPENDENT OF THE FACT THAT IT IS EXPLICITLY MENTIONED IN THE LAW, THE GENERAL PRINCIPLE OF ARTICLE 1 OF THE LAW ON UNFAIR COMPETITION, I.E. THE PRINCIPLE OF BONA FIDE IN THE DOMAINE OF COMMERCIAL RELATIONS, DOES NOT NECESSITATE IN ANY WAY THE EXISTENCE OF ADMINISTRATIVE STANDARDS'

BY THIS THE COURT SAYS THAT ONE DOESN'T NEED STANDARD METHODS TO REPORT CORRECT FIGURES. THE COURT GOES ON TO SAY:

' THE EVIDENCE PRODUCED BY THE PLAINTIFFS MAKES IT HIGHLY LIKELY THAT THE ISO STANDARD 3308 AS [illegible] [illegible] OF THE BARCLAY CIGARETTE WAS CONCEIVED WITH THE INTENTION OF FAVOURING ANALYSES OF THE PRODUCT WHICH ARE OBJECTIVELY FALSE.'

THIS JUDGEMENT WAS RECEIVED BY OUR LAWYERS BETWEEN 10 A.M. AND 11 A.M. [illegible] THE LAWYERS OF THE OTHER SIDE MUST ALSO HAVE OFFICIALLY RECEIVED IT AT ROUGHLY THE SAME TIME. [illegible] WERE ABLE TO SUBMIT AN APPEAL [illegible] LAW) TO THE FEDERAL COURT (OF APPEALS), THE CONTENTS OF WHICH ARE STILL NOT KNOWN TO US. UPON RECEIPT, THE PRESIDENT OF THE FIRST SECTION OF THE FEDERAL COURT ISSUED PRELIMINARY [illegible] THUS SUSPENDING THE EFFECTS OF THE LOWER COURT'S DECISION.

THE PRESIDENT WILL HAVE TO DECIDE WITHIN ONE WEEK, UPON HEARING THE TWO SIDES, WHETHER OR NOT TO MAINTAIN THESE PRELIMINARY MEASURES. IF SO, HE WOULD HAVE TO CONVINCE FOUR OTHER JUDGES LATER ON THAT HE HAD TAKEN THE RIGHT DECISION.

NEVER A DULL MOMENT. KIND REGARDS AND BEST WISHES,

HELMUT GAISCH

952605 FTRU CH
422609 PMI UI

REPLY VIA ITT